OCT 1 6 2018

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JULIA C. DUDLEY, CLERK BY:

FRANK ERVIN ALTIZER, JR.,

Civil Action No. 7:18-ev-00372

Petitioner,

**ORDER** 

v.

HAROLD CLARKE, Respondent. By: Hon. Michael F. Urbanski Chief United States District Judge

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

## **ORDERED**

that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED without**prejudice; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket.

ENTER: This /5 day of October, 2018.

Chief United States District Judge